

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, FEBRUARY 10, 2003 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: Approval of Council Minutes.

ITEM-31: John Basilone Day.
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.

ITEM-32: Children's Dental Health Month.
DEPUTY MAYOR INZUNZA'S RECOMMENDATION: Adopt the resolution.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to Ordinance O-18939 adopted on September 24, 2001.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

ITEM-50: Addition of One Council Representative Position in Council District One.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which
was introduced on 1/28/2003.

ITEM-51: **This item was inadvertently placed on the Consent Agenda.**
Please see Adoption Agenda, Item 201 on today's docket for the
introduction of the ordinance.
Re: Office Space Lease Amendment - Clairemont Community Service
Center. Clairemont Community Area. (Dist. 6)

ITEM-52: Cabrera II.
Torrey Highlands Community Plan Area. (Dist. 1)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which
was introduced on 1/28/2003.

ITEM-53: Police Headquarters Building Energy Efficiency and Generation Project.
Golden Hill Community Area. (Dist. 8)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which
was introduced on 1/28/2003.

ITEM-54: San Diego Fire & Life Safety Services Reorganization and Exempting
Four (4) Positions from the Classified Service.
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items

- ITEM-100: Inviting Bids and Award of Contract for Point Loma Digesters N1/N2 and S1/S2 Cleaning Contract. Point Loma Community Area. (Dist. 2)
NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION: On 1/15/2003, NR&C voted 5 to 0 to approve.
(Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)
- ITEM-101: Principles of Understanding Between San Diego County Water Authority and the City of San Diego for Operation of the San Vicente Reservoir and Lake Hodges Facilities Implemented Under the Emergency Storage Project.
NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION: On 11/13/2002, NR&C voted 5 to 0 to approve.
(Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)
- ITEM-102: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (Dist. 8)
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-103: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-104: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-105: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region. (Dist. 8)
TODAY'S ACTION IS: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Discussion, Committee Items

- ITEM-150: San Diego Ethics Commission Audit Manual.
RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS
COMMITTEE'S RECOMMENDATION:
On 1/29/2003, RULES voted 5 to 0 (Councilmembers Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea), as follows:
1 - Change paragraph 5, of page 5, of the condensed/strikeout version of the Ethics Commission's January 10, 2003, proposed Audit Manual. .
2 - Change paragraph IIIA, of page 6, of the condensed/strikeout version of the Ethics Commission's January 10, 2003, proposed Audit Manual.
3 - Approve the Ethics Commission's January 10, 2003, version of its proposed Audit Manual with changes.

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: In the Matter of Naming the New Downtown Baseball Park "Petco Park."
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment In Honor Of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

01/13/2003

01/14/2003

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-31: John Basilone Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-957 Cor.Copy)

Honoring the memory of Marine Corp Sergeant John Basilone and urging the United States Post Office to issue a commemorative stamp for this heroic man so that his memory will live on and continue to inspire future generations;

Proclaiming February 19, 2003 to be "John Basilone Day" in the City of San Diego.

SUPPORTING INFORMATION:

United States Marine Corp Sergeant John Basilone was an American War hero during World War II where he demonstrated a continuous will to fight and an ability to inspire his fellow Marines. During the battle of Guadalcanal in the Pacific, and during every battle in which he fought, Sergeant Basilone defied the odds and was victorious for the American people while saving the lives of his fellow Marines. Sergeant Basilone returned from battle and became the first enlisted Marine in World War II to be awarded the Congressional Medal of Honor for his extraordinary heroism and bravery in combat. After achieving the Medal of Honor, Sergeant John Basilone volunteered to return to combat in the war.

On D-Day, February 19, 1945 in Iwo Jima, Japan, Sergeant Basilone was killed while leading his men in battle. After his death on D-Day, Sergeant Basilone was awarded the Navy Cross, our nation's second highest award for heroism in battle. Sergeant Basilone exemplified courageous actions of our Marines in battle and is one of the legends of the United States Marine Corp.

The City of San Diego should support Major Barry Ferich in his effort to secure the issuance of a commemorative stamp by the United States Post Office in honor of the United States Marine Corp Sergeant John Basilone.

Frye

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: Children's Dental Health Month.

DEPUTY MAYOR INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-935)

Proclaiming February 2003 as "Children's Dental Health Month" in San Diego.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR
DISPENSING WITH THE READING AND ADOPTION:**

Items 50, 51, 52, and 53.

ORDINANCES TO BE INTRODUCED:

Item 54.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, and 105.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR
DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Addition of One Council Representative Position in Council District One.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/28/2003. (Council voted 9-0):

(O-2003-100)

Exempting a Council Representative I Position from the classified service for Council District One.

* ITEM-51: **This item was inadvertently placed on the Consent Agenda. Please see Adoption Agenda, Item 201 on today's docket for the introduction of the ordinance.**

Re: Office Space Lease Amendment - Clairemont Community Service Center.
(Dist. 6)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION (Continued):

* ITEM-52: Cabrera II.

(Torrey Highlands Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/28/2003. (Council voted 9-0):

(O-2003-103)

Rezoning 7.6 acres located south of State Route 56, west of Camino Ruiz and north of Deer Canyon Road, within the Torrey Highlands Subarea Plan, in the City of San Diego, California, from the RM-3-8 multi-family residential zone into the RM-1-1 single-family zone and OP-2-1 open space zone, as defined by San Diego Municipal Code Sections 131.0406 and 131.0202; and repealing Ordinance Nos. 8858 (New Series) and 12657 (New Series), adopted July 18, 1963 and May 22, 1979 respectively (New Series), of the Ordinances of the City of San Diego insofar as the same conflict herewith.

* ITEM-53: Police Headquarters Building Energy Efficiency and Generation Project.

(Golden Hill Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/28/2003 (Council voted 9-0):

(O-2003-105)

Authorizing the City Manger to execute a Fourth Amendment to the Master Energy Conservation Services Agreement of November 22, 1999, with Onsite Energy Corporation, for services in connection with the Police Headquarters Building Energy Efficiency and Generation Project.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-54: San Diego Fire & Life Safety Services Reorganization and Exempting Four (4) Positions from the Classified Service.

(See City Manager Report CMR-03-009; memorandum from Rich Snapper dated 1/22/2003.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-107)

Introduction of an ordinance exempting the positions of Assistant Fire Chief, Medical Educations Manager, Fleet/Stores Manager, and Communications Manager from the classified service and declaring the positions to be in the unclassified service of the City of San Diego.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 1/15/2003, PS&NS voted 5 to 0 to approve the reorganization plan in its entirety under the condition that proposed personnel cuts and additions are implemented. Refer to the City Manager and direct him to implement it immediately and, secondarily, to support the name change of San Diego Fire and Life Safety Services to San Diego Fire-Rescue Department. (Councilmembers Zucchet, Atkins, Lewis, Maienschein, and Frye voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The reorganization plan for Fire & Life Safety Services was developed at the conclusion of a comprehensive ten-week organizational review and assessment of all service areas. The plan was presented on January 15, 2003 to the Public Safety and Neighborhood Services (PS&NS) Committee, and was unanimously accepted by the Committee with direction to proceed with the reorganization and the department's name change to San Diego Fire-Rescue Department.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued):

ORDINANCES TO BE INTRODUCED (Continued):

* ITEM-54: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

On January 9, 2003, the Civil Service Commission reviewed the duties and responsibilities of the following four positions and found that they met the intent of Charter Section 117. Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempted from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council".

Assistant Fire Chief - Operations Division was separated from Support Services Divisions to ensure effective formulation and administration of department policies and programs. The Assistant Fire Chief position will be responsible for assisting the Fire Chief with managing the day-to-day operations of the Support Services Divisions of San Diego Fire & Life Safety Services.

Communications Manager - This position will be responsible for the administration of the Fire Communications Center (FCC) and will replace a Deputy Fire Chief. This position will be responsible for managing the operations of FCC including response to all requests for emergency 9-1-1 calls for fire and medical service.

Fleet/Stores Manager - This position will be responsible for the administration of the Fleet and Stores operations and will replace a Deputy Fire Chief.

Medical Education Manager - This position will be responsible for the administration of medical education of all paramedics and emergency medical technicians (EMT).

FISCAL IMPACT:

These positions are included in the overall Fire & Life Safety Services Department reorganization plan. The entire reorganization results in a \$30,000 savings in personnel expenditures.

Ewell/Bowman/PHN

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Inviting Bids and Award of Contract for Point Loma Digesters N1/N2 and S1/S2 Cleaning Contract.

(See memorandum from Scott Tulloch dated 1/8/2003. Point Loma Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-945)

Authorizing the City Manager to award a contract to, and execute a contract with, the low acceptable bidder that best meets the City requirements for digester cleaning services (Cleaning Services) for Digesters N1, N2, S1, and S2 at the Point Loma Wastewater Treatment Plant in an amount not to exceed \$4,230,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$2,030,000 from Fund 41508, CIP-45-943.0, Point Loma - Grit Processing Improvements to Fund 41509, CIP-46-218.0, Point Loma - Digester S1 and S2 Upgrades;

Authorizing the expenditure of a total amount not to exceed \$2,130,000 for the purpose of providing funds for Cleaning Services for Digesters S1 and S2, related costs, and contingencies of which \$2,030,000 is from Fund 41509, CIP-46-218.0, Point Loma - Digester S1 and S2 Upgrades for Cleaning Services, and related costs, and \$100,000 is from Fund 41509, CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency for contingencies, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

* ITEM-100: (Continued)

Authorizing the expenditure of an amount not to exceed \$2,100,000 from Fund 41508, Department 771 for the purpose of providing funds for Digesters N1 and N2 Cleaning Services, related costs and contingencies, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/15/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract will provide for the removal of sand, grit and debris from Digesters N1, N2, S1 and S2 located at the Point Loma Wastewater Treatment Plant (PLWTP). It is estimated that a maximum of eight million gallons of non-digestible material may have accumulated within the four digesters during the past three (3) years of operation of S1 and S2 and eight (8) years of operation of N1 and N2. Once the cleaning contract is awarded, the digesters will be dewatered sequentially and the actual material quantities will be determined. The final contract value will be based on these quantities. By removing sand, grit and debris in the digesters their capacity is increased, thus improving operations at the PLWTP and ensuring the City meets all federal regulations required for Class B Biosolids. The completion of this cleaning project will also prepare Digesters S1 and S2 for construction upgrades which will begin in the fall of 2003.

The digester cleaning work is projected to be completed via a purchasing services contract with half of the funds coming from the CIP budget and the other half coming from the Operations and Maintenance Division operating budget. CIP funding for this project will be transferred from FY2003 funding available in the Point Loma - Grit Processing Improvements project to the Point Loma Digester S1 and S2 Upgrade project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

* ITEM-100: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This transfer is needed because the original schedule for the Point Loma - Digester S1 and S2 Upgrade CIP project did not anticipate the expenditure in FY2003 and projected construction costs for the Digester S1 and S2 Upgrades are estimated to be approximately \$700,000 higher than originally estimated. The final cost estimate for the digester S1 and S2 Upgrades is also expected to be higher because of higher construction insurance rates and the sole source equipment and engineering needed to install the automation systems. The sole source automation equipment and engineering are needed for compatibility with the automation system already installed in the Metro sewer system. Replenishment and/or rescheduling of the transferred funding will be analyzed and incorporated into the FY2004 budget proposal. This project has been reviewed and approved by the San Diego Metro Commission.

FISCAL IMPACT:

The total of this request is \$4,230,000 of which \$2,030,000 is available in Fund 41509, CIP-46-218.0, Point Loma - Digester S1 and S2 Upgrades for S1/S2 digester cleaning and related costs, \$100,000 is available in Fund 41509, CIP 46-502.0, Annual Allocation -Clean Water Pooled Contingency for project contingency; and \$2,100,000 is available in Fund 41508, Department 771 for NI/N2 digester cleaning and contingency.

Mendes/Tulloch/JAW

Aud. Cert. 2300794.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

- * ITEM-101: Principles of Understanding Between San Diego County Water Authority and the City of San Diego for Operation of the San Vicente Reservoir and Lake Hodges Facilities Implemented Under the Emergency Storage Project.

(See memorandum from Larry Gardner dated 11/7/2002; Preliminary Principles of Understanding.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-930)

Authorizing the City Manager to execute the Preliminary Principles of Understanding Between San Diego County Water Authority and the City of San Diego for Operation of the San Vicente Reservoir and Lake Hodges Facilities Implemented Under the Emergency Storage Project [Principles of Understanding].

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/13/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The San Diego County Water Authority (CWA) and the City of San Diego (City) executed agreements in 1998 for the joint use of San Vicente and Lake Hodges Reservoirs for the proposed Emergency Storage Project. The agreements discussed land acquisition, design, construction, and operation of CWA's emergency storage in the reservoirs. However, the agreements did not discuss operations of the conveyance facilities that will connect the reservoirs to CWA system and only broadly discussed normal operation of the reservoirs and emergency storage. The agreements called for the joint development of reservoir regulating plans during design of the San Vicente and Lake Hodges projects.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

* ITEM-101: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

As a result, these Principles of Understanding between CWA and the City for Operation of the San Vicente Reservoir and Lake Hodges Facilities were developed.

The purpose of these principles is to establish basic policies for development of the reservoir regulating plans contemplated by the previously executed agreements, clarify and refine the rights and obligation of the parties under the previously executed Agreements, and establish protocols for cooperation between the City and CWA during implementation of the Emergency Storage Project. The Board of Directors of the San Diego County Water Authority adopted these Principles of Understanding on June 27, 2002.

Adoption of the Principles will ensure operational compatibility between CWA and City systems while establishing clear priorities for City use of its facilities.

FISCAL IMPACT:

No fiscal impact is expected due to execution of the Principles. As reservoir regulating plans are developed, it is anticipated that CWA and the City will take advantage of discounted imported water purchase programs.

Mendes/Gardner/RM

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

- * ITEM-102: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-751)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- * ITEM-103: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-793)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

- * ITEM-104: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-823)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

- * ITEM-105: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-800)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
RESOLUTIONS:

ITEM-150: San Diego Ethics Commission Audit Manual.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-954)

Approving the City of San Diego Ethics Commission Audit Manual.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 1/29/2003, RULES voted 5 to 0 (Councilmembers Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea), as follows:

1 - Change paragraph 5, of page 5, of the condensed/strikeout version of the Ethics Commission's January 10, 2003, proposed Audit Manual to read as follows:

At the time of the random drawing, the Commission shall determine, by majority vote, the number of committee audits to conduct during that calendar year, and the number of committees to be selected from each audit pool. The Commission shall conduct a maximum of four committee audits for the 2002 election cycle and shall return to the City Council in future years with a proposal for the appropriate number of audits. Once this determination has been made, the City Clerk shall draw the committee names from the audit pools in a manner that ensures that the selections are made on a purely random basis. (Motion by Councilmember Inzunza; Second by Councilmember Madaffer)

2 - Change paragraph IIIA, of page 6, of the condensed/strikeout version of the Ethics Commission's January 10, 2003, proposed Audit Manual to read as follows:

The auditor shall make all reasonable efforts to minimize the time, effort, and expense required of the committee in complying with these audit procedures.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
RESOLUTIONS (Continued):

ITEM-150: (Continued)

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:** (Continued)

In the event that the committee has been selected for an audit by the California Fair Political Practices Commission [FPPC] during the same calendar year, the auditor shall audit the committee chosen during its random drawing based only on those local regulations that are not part of the FPPC's regulations. (Motion by Councilmember Inzunza; Second by Councilmember Peters)

3 - Approve the Ethics Commission's January 10, 2003, version of its proposed Audit Manual with the changes noted above. (Motion by Councilmember Inzunza; Second by Councilmember Peters).

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: In the Matter of Naming the New Downtown Baseball Park "Petco Park."

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-958)

Consenting to the name Petco Park for the new downtown baseball park;

Authorizing and directing the City Manager to take the necessary or appropriate actions, and execute any necessary or appropriate documents, to effectuate the intent and purpose of this resolution.

SUPPORTING INFORMATION:

In November of 1998, the electorate of the City, by an almost 60% margin, approved Proposition C, which authorized and directed the City Manager to execute on behalf of the City the Memorandum of Understanding [MOU] for the Downtown Ballpark and Redevelopment Project.

The MOU provided that the San Diego Padres would hold "naming rights" to the new downtown ballpark; the Padres would be able to negotiate with and select a naming rights partner for the ballpark, select the name that would be attached to the new ballpark, and retain all revenue from such an agreement. The MOU provided, however, that any name to be associated with the new ballpark would not be a cause for embarrassment to the City, and provided that the City would have the right to consent to the proposed name for the new ballpark. The City's consent cannot be unreasonably withheld or delayed. The City has no approval or consent rights regarding the terms of the agreement providing for the naming rights between the Padres and the naming rights partner. The Padres recently announced that they have reached an agreement with Petco to name the new ballpark "PETCO PARK." Petco was founded, and remains headquartered, in San Diego. The naming rights agreement provides that the ballpark will be named "PETCO PARK" for a period of 22 years.

Gwinn/Girard

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

This item was inadvertently placed on the Consent Agenda, Item 51.

ITEM-201: Office Space Lease Amendment - Clairemont Community Service Center.

(Continued from the meeting of 1/28/2003, Item 55, at the request of the City Manager, for further review. Clairemont Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-87)

Introduction of an Ordinance authorizing the City Manager to execute a Third Amendment to Lease agreement with the State Teachers Retirement Board of Ohio for the Clairemont Community Service Center and Police Storefront Center at a monthly rent of \$4,375.

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$22,546 from the Community Service Center Fund 10170, Dept. 1702 for FY03 and \$12,600 from the Police Department Fund 100, Dept. 110 for FY03.

NOTE: **6** votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The City's Clairemont Community Service Center and Police Storefront have been occupying space at 4731 Clairemont Mesa Boulevard since July 15, 1997. The Landlord has consented to extend their existing leased space and public Community Room space. The City is proposing to extend the lease under the following basic lease terms:

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued):

ORDINANCES TO BE INTRODUCED (Continued):

ITEM-201: (Continued)

EXTENSION TERM - Five (5) years, expiring August 31, 2007 for the CSC and Police Storefront. The leased space for the public Community Room will be extended for one (1) year, expiring August 31, 2003.

RENT - \$1.25 per square foot or \$4,375 per month for the CSC and Police Storefront space. The rent will remain flat throughout this extension term. No rent will be charged for the Community Room space. The rent is below market value compared to other space in the area.

USE - Community Service Center, Police Storefront, and community meeting usage.

SIZE - The CSC space is approximately 2,492 square feet. The Police Storefront is approximately 1,008 square feet, and the Community Room is approximately 1,500 square feet. Total square feet is 5,000.

FISCAL IMPACT:

An additional \$22,546 will be paid from the Community Service Center Fund 10170, Dept. 1702 for FY03 and \$12,600 will be paid from the Police Department Fund 100, Dept. 110 for FY03.

Herring/Griffith/DLM

Aud. Cert. 2300648.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval - Mission City Phase IV.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled Mission City Phase IV, T.M. No. 96-0544, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the northwesterly of Friars Road and Fenton Parkway in the Mission Valley Community Plan Area in Council District 6. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval - Torrey Highlands Village Center.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Torrey Highlands Village Center," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Torrey Highlands Community Plan Area northwesterly of proposed Highway 56 and Camino Ruiz in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: **Notice** of Pending Final Map Approval - Cabrera II.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled Cabrera II, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located southwesterly of Torrey Santa Fe Road and Camino Ruiz in the Torrey Highlands Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval - "Shaw Property Unit 1" and "Shaw Property Unit 2".

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled "Shaw Property Unit 1" and "Shaw Property Unit 2", T.M. No. 99-0518, copies of which are available for public viewing at the office of the San Diego City Clerk. Said projects are located adjacent to the Proposed Highway 56 westerly of Camino Ruiz in the Torrey Highlands Community Plan Area in Council District 1. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

- (1) The maps substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The maps are technically correct.

Said maps will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the maps or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT